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**UNITED STATES DISTRICT COURT**

Northern District of California

Gamaly,

07-04758 JF

**Plaintiff(s),**

## **NOTICE RE: NONCOMPLIANCE WITH COURT ORDER**

v.

Tumi Inc..

**Defendant(s).**

16 The parties have failed to file an ADR Certification and either a Stipulation and  
17 [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone  
18 Conference as required by the Initial Case Management Scheduling Order. Counsel  
19 shall Meet and Confer forthwith in an attempt to agree on an ADR process for this  
20 matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file  
21 an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting**  
22 **ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b),  
23 ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available  
24 at [www.adr.cand.uscourts.gov](http://www.adr.cand.uscourts.gov).)

26 Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a  
27 copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax  
28 (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

1 450 Golden Gate Avenue, 16<sup>th</sup> Floor, San Francisco, California), or by PDF attachment  
2 to an e-mail directed to [adr@cand.uscourts.gov](mailto:adr@cand.uscourts.gov).

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4 It is the responsibility of counsel to schedule an ADR Phone Conference, if  
5 required, to occur before the Case Management Conference.  
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8 Dated: January 31, 2008

9 RICHARD W. WIEKING  
10 Clerk  
by: Timothy J. Smagacz

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12 \_\_\_\_\_  
ADR Administrative Assistant  
415-522-4205  
13 Tim\_Smagacz@cand.uscourts.gov  
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**PROOF OF SERVICE**

Case Name: Gamaly v. Tumi Inc.

Case Number: 07-04758 JF

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program  
United States District Court  
Norther District of California  
450 Golden Gate Avenue Floor 16  
San Francisco, CA 94102

On January 31, 2008, I served a true and correct copy of:

**Notice Re: Noncompliance With Court Order**

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Ben F Pierce Gore  
900 East Hamilton Ave.  
Suite 100  
Campbell, CA 95008  
piercegore@gorelawfirm.com

Michael Neil Westheimer  
Baker & McKenzie  
660 Hansen Way  
Palo Alto, CA 94304-1044  
michael.westheimer@bakernet.com

Stephanie Anne Sheridan Esq.  
Sedgwick Detert Moran & Arnold  
One Market Plaza, Steuart Tower  
8th Floor  
San Francisco, CA 94105  
stephanie.sheridan@sdma.com

[ ] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

[ ] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 31, 2008 in San Francisco, California.

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz



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ADR Administrative Assistant

415-522-4205

Tim\_Smagacz@cand.uscourts.gov